

# GIRL WIDOW SUES RICH CLUBMAN FOR \$25,000.

**Mrs. Viola Livingston Brings Supreme Court Action for Damages Against William H. Barnard, Whom She Met Through Newspaper "Personal" Ad.**

Through his attorney, George Gordon Battle, a statement was issued to-day by William H. Barnard, of No. 38 East Sixty-eighth street, the millionaire silk importer and member of the Union League Club, who has been sued by Mrs. Viola Livingston, of Ossining, N. Y., for \$25,000 damages. Mrs. Livingston is a widow, aged eighteen, and she sued through David J. Goldstone, guardian ad litem, under the appointment of Justice Dugro.

Mr. Barnard, through his counsel, admits a great deal of the allegations made by the fair plaintiff, but denies the most important. In the language of Mr. Battle the worst that can be charged against him is "indiscretion."

Admits Indiscretion. "Mr. Barnard," said Mr. Battle, "was indiscreet enough to answer a personal ad. His motives were beyond question. From the wording of the ad he assumed that a worthy person might be in need of aid and he answered it. When he met the young woman he assumed the name of W. H. Bailey for personal reasons. He did not know the character of the person he met and did not care to give his real name. The assumption of the name of Bailey was not made because Mr. Barnard knew that Mr. Bailey was a member of the Union League Club. He did not know Mr. Bailey, and took the name as he would have taken the name of John Smith or William Jones or Henry Brown or even John Doe."

"It is true that he had dinner with the young woman of the personal, and it is true that he took her for a ride in a cab. During the dinner and the ride he became convinced that she was not the worthy person he thought she might have been, and he decided not to advance her aid in her desire to achieve a career on the stage."

"It is also true that she followed Mr. Barnard to Alken, S. C., and that he saw her there and gave her money to pay her way back to New York. This was doubtless an indiscreet thing to do, but he thought it best under the circumstances."

"The allegations of ill-treatment made against Mr. Barnard are absolutely without foundation. This case will be fought to the last ditch."

William H. Bailey, who has been a member of the Union League Club for thirty-five years, did not seem greatly impressed when told of the accidental use of his name by Barnard in the "Personal" advertisement.

"Accident, bah!" he snorted. "I don't go to the club much, and it may have been possible for this man Barnard to get mail there under my name. I shall report this matter of using a fellow member's name in answering a personal, and have Mr. Barnard fired out of the Union League Club."

A careful search through Ossining, N. Y., by Evening World reporters to-day failed to reveal even among the oldest inhabitants any trace of the residence there at any time in the past eighteen years of a person of the name of Viola Livingston.

Here is the personal that caused all the trouble:

**The Little Personal.**  
A YOUNG LADY, aged eighteen, considered exceptionally attractive and talented, hopes this will reach the eyes of some one who will assist her in fitting herself for a theatrical career. F. R.

In her sworn statement Mrs. Livingston says that in response to this advertisement she received a letter from William H. Barnard, signed "William T. Carroll." In the answer Barnard offered her services, and an appointment was made for a meeting at the Hotel Grenoble on March 23.

She further alleges that she met Barnard by appointment and that he told her his true name was W. H. Bailey, and that the name "Carroll," which he had signed to his first letter, was assumed. After an extended conversation in reference to her proposed career, he invited her to drive with him in Central Park. She accepted the invitation and declares that, against her protests and entreaties, he compelled her to remain with him in a closed carriage for a long time.

In her statement to the court Mrs. Livingston alleges that she was only

half conscious when she was finally permitted to return to her hotel. Before leaving her, Mrs. Livingston says, Barnard told her to write him at the Union League Club under the name of "W. H. Bailey," which he wrote on a letter would be forwarded to him. He told her he had to go to his estate at Alken, S. C., for a few days, but would fulfill his promises to her on his return. In telling her story, Mrs. Livingston said:

**Called at the Grenoble.**  
"When Mr. Barnard answered my letter and called at the Grenoble to see me he appeared to be such a perfect gentleman and was so frank about his wife and daughter that he won my confidence. I was determined to make a success on the stage, although such a course was opposed by my aunt and grandmother. I had read how wealthy New York men and women had helped other girls to make a career, and I hoped that I would be equally fortunate in finding a friend."

"After a few days I wrote to him at the Union League Club, but got no reply in a week. Then I called up 'W. H. Bailey' on the telephone, and to my surprise a strange man answered. This stranger said he was W. H. Bailey, and that he did not know me and had never written or seen me. I told him I had written to him at the Union League Club, and he said he would send and get the letter. Later I called him up again, and he said he had received and read the letter, but knew nothing about the matter. On my request he returned the letter to me. It was a letter in which I had appealed to the man who had introduced himself as Mr. Bailey to fulfill his promises and advise me. I became desperate, and determined to go to Alken and find the man who had tricked me."

"I did go to Alken, and through inquiries learned that W. H. Barnard was building roads through his estate. I met the man I knew as 'W. H. Bailey' on the street while on my way to the post-office."

"I began to upbraid him, and he begged me to be quiet and asked me to return to New York. He offered me \$100 in bills to pay my way back, but I refused the money. He begged me to return to New York, and said that he would return on May 1 and fulfill his promises. I agreed and came back to New York. I heard nothing from him, and finally called him up on the telephone. I was told that he would not return until the 15th. I then sought legal advice. I was told that Mr. Barnard came back in answer to the lawyer's letter on May 6 or 7."

"I have never been able to see him since, although I have tried several times. I was referred to George Gordon Battle, Mr. Barnard's attorney, but he kept putting me off. I was told that an offer of settlement had been made, but the conditions were such that I could not accept."

"I finally came to the conclusion that I had been wronged and ignored and that my only redress lay through the courts."

Mr. Barnard was seen at his home and denounced the whole affair as a case of attempted blackmail. He said: "This woman has been trying to get money from me for some time. I intend to fight the case to a finish. I met her only once. I have been served with papers in her suit and her allegations are shameful. I shall say nothing further until I have seen my lawyer."

George Gordon Battle, Mr. Barnard's attorney, was seen and said: "It is a case of a woman trying to get money and nothing more. Mr. Barnard is a man of great prominence and good repute, and he will fight the suit vigorously. He met the woman only once, under what circumstances I will not say at present."

W. H. Bailey, one of the oldest members of the Union League Club, was seen at his home, No. 200 West Fifty-seventh street. He said it was quite true that Mrs. Livingston had called on him by telephone and that he had sent to the Union League Club and secured the letter which she showed him. "I do not know Barnard personally, although he joined the Union League Club in 1861," he said. "The woman called me up again and begged me to return the letter to her. I did so, but I did not know her name, and addressing it to the Grenoble Hotel, I know nothing more about the matter."

At the Grenoble Hotel it was learned that Mrs. Livingston had been there from May 27 to and including May 28.

evidently took effect, and he sank into the water. A bridge tender, who stood near by, rushed down to the spot where the supposed robber was last seen, but no sign of him could be found. The bridge tender said the man had doubtless gone to the bottom.

The river will be dragged by the life-saving crew. It is said the men had stolen a number of car journals.

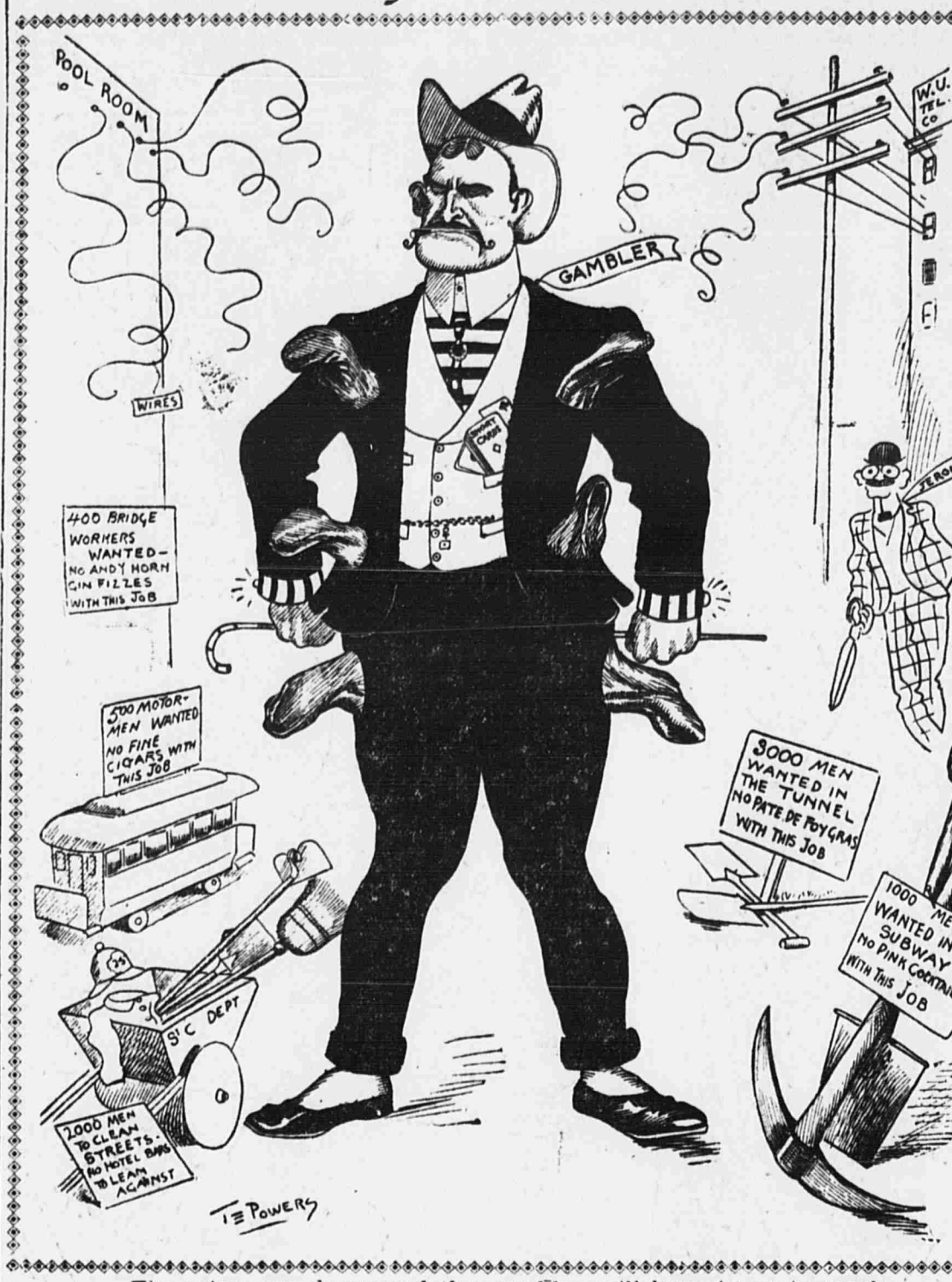
**DISLOCATED JAW BY LAUGH.**  
Ambulance Surgeon Called Twice Within Hour to Treat Prisoner.

Ambulance Surgeon Lawrence, of the Harlem Hospital, was twice called to attend a man who, twice within an hour, had dislocated his jaw. The man was Edward Lyons, twenty-one years, of No. 288 Eighth avenue. Lyons was arrested last evening on suspicion of having stolen a scrip from a woman who opened until Dr. Lawrence arrived.

Shortly after 8 o'clock this morning while some of the prisoners were cracking jokes Lyons burst into a hearty laugh. When he got through he found his jaw stubbornly refused to assume its natural position. He was in terrible pain as he sat with his mouth wide open until Dr. Lawrence arrived.

## "BACK TO THE ASHCART!"

By T. E. Powers.



The wires are down and the gambler will have to go to work.

## 15,000 CHILDREN AT MAY PARTY

**Boys and Girls Have Good Time in Central Park as the Guests of the McManus Association.**

Fifteen thousand children who live within the boundaries of the Fifteenth Assembly District had a glorious May party in Central Park to-day as guests of the McManus Association. The children marched in brilliant parade from the home of Assemblyman McManus, at No. 42 West Forty-ninth street, to the park behind three bands, the Catholic Protective Band, the Hebrew Orphan Asylum Band and the A. S. Williams Pipe and Drum Corps. Mr. McManus led the parade in person. The march was to have started at 9:30 o'clock. It was delayed more than two hours, however, as every one of the 15,000 girls and boys wanted to head the parade. Argument and persuasion had no effect upon them, and they struggled and fought for positions much to the detriment of their nice clothing. They were only finally arranged in peaceful ranks when Mr. McManus assured them who fell into the rear that they should lead the procession home.

When the great throng arrived at the park there were three wagons filled with box lunches in charge of William J. Kelly, President of the association. Mr. Kelly is an agent of the Society for the Prevention of Cruelty to Children, but he had the task of his life in keeping from being overwhelmed by the mob of hungry boys and girls.

All of the fifteen thousand were at last provided with the lunches they scrambled for and a wild run followed for cozy places on the green. Twelve-year-old Margaret Kelly, of No. 350 West Forty-ninth street, was the May Queen, and John A. Kennedy, of No. 40 West Forty-ninth street, was King of May.

The afternoon was spent in a delightful frolic on the common, and a spirited ball game between teams from Public Schools Nos. 17 and 51.

## MRS. MEYERS WON HER CASE.

**A Decree Granted to Actress Meyers—Previous Mistake Corrected.**

A news item in The Evening World of Tuesday last stated that Justice McCull had granted a decree of divorce to Clarence Meyers, a commercial traveler, who married, in 1897, Pearl Meyers, a chorus girl. This report was incorrect in so far as it said the decree was granted to Mr. Meyers. It is a fact that a suit was instituted by Mrs. Meyers, who was a partner of the late "Big Jim" Kennedy, the well-known sporting man, who was his brother-in-law.

McCormack is forty-two years of age and a resident of the Eighteenth Ward in Brooklyn. He was a partner of the late "Big Jim" Kennedy, the well-known sporting man, who was his brother-in-law.

## ELEVATOR RUN BY NEPHEW KILLS HIM

**Pathetic Death of Martin Hickey in an Accident Caused by the Orphan Boy He Had Reared.**

Martin Hickey, janitor of the office building at Nos. 79 and 81 Nassau street, was instantly killed to-day by an elevator which his nephew, Edward Hickey, seventeen years old, was running. The accident was most pathetic, as the boy is an orphan, and his uncle had reared him in his own home. Hickey lived in the building and was at work in the basement when he saw some rubbish at the foot of the elevator shaft. He opened the door and stooped over to pick it up, paying no attention to the elevator, which usually stopped at and started from the ground floor.

For some reason or other young Hickey on this particular trip ran the elevator through to the cellar. The edge of the car struck Hickey on the back of the neck and he died without making an outcry.

The body fell under the elevator, and when the shaft stopped to investigate the obstruction his foot struck his uncle's corpse. He ran to the street and gave the alarm to a policeman, who placed him under arrest and took him to the Oak street station, where he was locked up, charged with homicide.

Mrs. Hickey had lunch on the table for her husband and her nephew when they carried in the husband dead.

## CRUSHED UNDER ELEVATOR.

**Henry Sutton Fatally Injured When Working in Shaft.**

Henry Sutton, thirty-six years old, of No. 39 West One Hundred and Sixth street, was fatally injured this afternoon by being crushed under the freight elevator in the building at Nos. 23 and 25 West First street.

Sutton was working in the elevator shaft when the lift suddenly descended upon him, breaking his back and crushing his chest. He was taken to Bellevue Hospital, Adler Ganther, the elevator mechanic, was arrested and taken to the West Thirtieth street station.

## LUCANIA HERE AFTER PLEASANT SEA TRIP

**Ocean Like a Millpond During the Big Steamship's Voyage—John T. Barrett, After Travels Through Far East, Arrives**

The Cunard liner Lucania arrived at her pier in this city to-day after a voyage serene throughout. Cloudless skies, gentle breezes, and the undisturbed even roll of the sea are writ in each day's log, and of the thousand passengers aboard none suffered a moment's inconvenience through seasickness.

The only thrilling moments aboard were after the wireless operator received the entries for the Brooklyn Handicap and the 150 first cabin passengers made up a pool on the race. There was nearly \$1,000 in the pool, and the passengers waited anxiously for the report from some outgoing steamer on the result of the race. The Lucania, however, spoke to no vessel before arriving within wireless touch of the Nantuxet station, and so did not learn until yesterday of The Picket's brilliant feat.

John T. Barrett, United States Minister to Panama, was among the Lucania's passengers, and on Tuesday evening he entertained both the first and second cabin with a lecture on his travels and observations in the Far East. He did not take either side in the Russian-Japanese conflict.

## SQUARE CIRCLE ENTERTAINS.

**Jolly Evening for the People of the Sigel Cooper Co. Big Store.**  
The members of the Square Circle Club, the men's organization of the Sigel Cooper Company, comprising the members of the firm, buyers and heads of departments of the big Sixth avenue store, together with their families and friends, enjoyed an excellent vaudeville entertainment arranged especially for the occasion at the Lexington Opera-house Friday evening. Every available seat in the large auditorium was occupied. In the boxes were the heads of the firm and members of their families, together with the superintendents and managers who have labored so zealously in building up the popular trade mart.

Scattered throughout the audience were many salespeople connected with the store.

The occasion was the second anniversary of the club. The various vaudeville acts were generally enthusiastic and elicited unstinted commendation. Particularly praiseworthy, and that which gained the greatest merited applause, was the exceedingly clever skit of Miss Bessie Clifford, assisted by an interesting galaxy of merry maidens, including the Misses Cotter, Rothbarth, Bernard Russell, Judge, Eryor, Egan, Kelly, Ellinger, McWhannel, Marston, Martin, Mahoney, Miskelly, Cohen, Dred, Perc, Nolan, Hines, Willis, and Schreiber, Jonap, Greenman, Lewis and Kohl.